

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Rigie	Team: Squad #3	CCRB Case #: 201700815	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/31/2017 7:00 AM	Location of Incident: [REDACTED]	Precinct: 105	18 Mo. SOL 7/31/2018	EO SOL 7/31/2018	
Date/Time CV Reported Tue, 01/31/2017 9:03 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 01/31/2017 9:03 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Paige	19528	955288	113 PCT
2. DTS Adam Gray	2500	928419	113 PCT
3. SSA Donald Abrams	00085	921890	E S U
4. POF Kristyn Graziano	24802	943324	113 PCT
5. An officer			113 PCT
6. An officer			ESU

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Pelan	05055	952099	113 PCT
2. DTS Patrick Barry	00249	917283	E S U
3. POM Joseph Mangiapane	13440	943516	ESS 10
4. SGT Michael Ferrari	4784	943231	113 PCT
5. SDS Derrick Milligan	04735	918006	INT CIS
6. DTS Thomas Longa	07623	919315	E S U

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Paige	Abuse: Police Officer Joseph Paige entered and searched 219 -12 130th Avenue in Queens.	[REDACTED]
B. An officer	Discourtesy: At § 87(2)(b) in Queens, an officer spoke discourteously to § 87(2)(b)	[REDACTED]
C.SSA Donald Abrams	Discourtesy: At § 87(2)(b) in Queens, Sergeant Donald Abrams spoke discourteously to § 87(2)(b)	[REDACTED]
D.SSA Donald Abrams	Abuse: At § 87(2)(b) in Queens, Sergeant Donald Abrams damaged § 87(2)(b)'s property.	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
E.POF Kristyn Graziano	Abuse: At § 87(2)(b) in Queens, Police Officer Kristyn Graziano searched § 87(2)(b) and § 87(2)(b)	
F. An officer	Abuse: At § 87(2)(b) in Queens, an officer threatened § 87(2)(b) with the arrest of § 87(2)(b) and § 87(2)(b)	
G.DTS Adam Gray	Abuse: Over the phone, Detective Adam Gray threatened § 87(2)(b) with the arrest of his relatives.	
H. An officer	Abuse: At the 113th Precinct stationhouse, an officer threatened § 87(2)(b) with the arrest of his relatives.	

Case Summary

On January 31, 2017, § 87(2)(b) filed this complaint with the CCRB via the website.

On January 31, 2017, at approximately 7:00 a.m., officers from the Emergency Service Unit Apprehension Team (ESU-A Team), including Det. Patrick Barry, PO Joseph Mangiapane, Sgt. Donald Abrams, and Det. Thomas Longa entered and searched § 87(2)(b) in Queens pursuant to a search warrant obtained by PO Joseph Paige of the 113th Precinct Anti-Crime team (**Allegation A**). Inside the house at the time of the entry was § 87(2)(b) old § 87(2)(b) in the living room, § 87(2)(b) old § 87(2)(b) in her bedroom, § 87(2)(b) olds § 87(2)(b) and § 87(2)(b) in their bedroom, and § 87(2)(b) old § 87(2)(b) in his basement bedroom. On entering the house, ESU officers handcuffed § 87(2)(b) in the living room and then Det. Barry and PO Mangiapane entered § 87(2)(b)'s bedroom where PO Mangiapane handcuffed her. § 87(2)(b) asked where § 87(2)(b) and § 87(2)(b) were and either Det. Barry or PO Mangiapane allegedly replied, "Shut the fuck up" (**Allegation B**). Sgt. Abrams and Det. Longa then went to the basement staircase where Sgt. Abrams allegedly said to § 87(2)(b) "Don't fucking move!" (**Allegation C**). Sgt. Abrams and Det. Longa then proceeded down into the basement where Sgt. Abrams handcuffed § 87(2)(b). § 87(2)(b) asked what was going on and Sgt. Abrams allegedly replied, "I don't fucking know" (also **Allegation C**). Sgt. Abrams then allegedly kicked over a chair and a small table knocking glass items onto the floor and breaking them (**Allegation D**).

Once the house was secured, ESU officers left and 113th Precinct officers entered including PO Paige, Det. Adam Gray, PO Kristyn Graziano, PO Daniel Pelan, Sgt. Michael Ferrari, and Sgt. Derrick Milligan. PO Graziano searched § 87(2)(b)'s legs, torso, waistband and shorts pockets in the living room (**Allegation E**). PO Graziano then entered § 87(2)(b)'s bedroom and searched § 87(2)(b)'s legs, torso, pajama pants pockets, and waistband (also **Allegation E**). The civilians were then escorted into the living room while officers searched the house for contraband. While inside the living room, an unknown officer allegedly told § 87(2)(b) that if he did not tell the truth about who owned contraband recovered, the officer would arrest § 87(2)(b) and § 87(2)(b) (**Allegation F**). At some point, Det. Gray and Sgt. Milligan exited the house where they encountered § 87(2)(b) and § 87(2)(b). Det. Gray did not allow them inside the house, but explained that the officers were conducting a search warrant. § 87(2)(b) called § 87(2)(b) on her phone on FaceTime and then passed the phone to Det. Gray who allegedly told § 87(2)(b) "If you're not here, we're going to have to take your family into custody" (**Allegation G**). § 87(2)(b) hung up and then later called back at which point Det. Gray told him to stay at work and that the officers would be in touch.

After the search, § 87(2)(b) was arrested and transported back to the 113th Precinct stationhouse. At the stationhouse, § 87(2)(b) was debriefed by PO Paige and another unknown anti-crime officer. During this debriefing, one of these officers allegedly told § 87(2)(b) "If you're not going to tell us anything, we can't do nothing for you. We're going to arrest your grandson, your two sons" (**Allegation H**). § 87(2)(b) was charged with § 87(2)(b) and released with a DAT. A neighbor only known as § 87(2)(b) observed and filmed officers outside from her window.

This case was closed past 90 days due to the necessity of scheduling and interviewing seven civilians including two § 87(2)(b) old children and 10 officers. § 87(2)(b) provided a short video showing a hole in his bedroom wall to the investigation. § 87(2)(b) provided a short video of officers outside the house during the incident, which was filmed by § 87(2)(b). However, § 87(2)(b)'s video did not show any interaction with civilians and was not clear enough to identify specific officers. Therefore, her video was not used in the disposition of the allegations. The 113th Precinct and Det. Gray provided photos of the house taken while the search warrant was conducted and § 87(2)(b) provided photos of the house taken after the search warrant was over.

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation due to § 87(2)(b)'s open criminal case.
- On May 18, 2017, a FOIL Request to the Office of the Comptroller confirmed that no Notices of Claim were filed for this incident by § 87(2)(b) or § 87(2)(b) (01 Board Review).
- § 87(2)(b) and § 87(2)(b) have no conviction history (02 Board Review).
- § 87(2)(b) (02 Board Review).
- § 87(2)(b) (02 Board Review).

Civilian and Officer CCRB Histories

- This is § 87(2)(b) and § 87(2)(b)'s first CCRB case (03 Board Review).
- PO Paige has been a member of the NYPD for three years and has two previous CCRB complaints involving three allegations with no substantiated allegations. § 87(2)(g)
- PO Graziano has been a member of the NYPD for 10 years and this is her first CCRB complaint.
- Det. Gray has been a member of the NYPD for 15 years and has five previous CCRB cases involving 9 allegations with no substantiated allegations. § 87(2)(g)
- Sgt. Abrams has been a member of the NYPD for 18 years and has 11 previous CCRB cases involving 20 allegations including two substantiated allegations. In CCRB# 200301285 an allegation of physical force was substantiated against Sgt. Abrams. Charges were recommended by the CCRB, but he was found not guilty at trial. In CCRB# 200608014 a vehicle search allegation was substantiated against Sgt. Abrams. For this allegation, the CCRB recommended charges, but the NYPD issued Sgt. Abrams instructions. Sgt. Abrams

was also cited in CCRB# 200207319 for making a false official statement. § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

- With regard to **Allegation B**, the ESU report for this incident confirmed that PO Mangiapane handcuffed § 87(2)(b) and that he was assigned as security for Det. Barry, who was the number 1 shield operator. § 87(2)(b) said she was not sure whether PO Mangiapane or Det. Barry spoke discourteously to her because she was confused from just waking up, not wearing her glasses, and they pointed flashlights in her face. Both Det. Barry and PO Mangiapane denied ever speaking discourteously to § 87(2)(b). Because § 87(2)(b) could not identify the officer who spoke discourteously to her, because both officers present denied ever doing so, and because there were no other officers or civilians present to assist with identification, the investigation was unable to identify the subject officer by a preponderance of the evidence. Therefore, **Allegation B** was pleaded against an officer from ESU (06, 15, and 19-20 Board Review).
- With regard to **Allegation D**, in his original phone statement, § 87(2)(b) said multiple ESU officers, including Sgt. Abrams, knocked items onto the floor in his bedroom. However, during his CCRB interview, § 87(2)(b) said that only Sgt. Abrams knocked items onto the floor. Therefore, **Allegation D** was only pleaded against Sgt. Abrams (10-11 Board Review).
- With regard to **Allegation F**, § 87(2)(b) described the subject officer as a tall white male, with short hair, in his 30's. § 87(2)(b) described the subject as a white male, 6'2" tall, with brown hair, and gray eyes. § 87(2)(b) described the subject as a white male, with short black hair on the sides, about 40, with an average body type. § 87(2)(b) described the subject as a white male, and 6'1" tall. Of the officers the investigation identified as being present when this allegation took place, PO Paige, Sgt. Ferrari, Det. Gray, and PO Pelan were closest to the descriptions provided. All the officers interviewed denied that any officer made any threats to arrest § 87(2)(b) or § 87(2)(b) and only Sgt. Milligan, who does not fit the descriptions, acknowledged speaking to § 87(2)(b) when the allegation took place. Because no officers acknowledged threatening to arrest § 87(2)(b) or § 87(2)(b) and because the subject could not be identified by a preponderance of the evidence via the witness testimony or police documents, the allegation was pleaded against an officer from the 113th Precinct (05-06, 10, and 21-22 Board Review).
- With regard to **Allegation H**, § 87(2)(b) described the subject as a white male, approximately 40 years of age, with short black hair on the sides, and an average body type. This description generally fit the pedigrees of PO Paige, PO Pelan, Det. Gray, and Sgt. Ferrari. No other civilians were present during § 87(2)(b)'s de-briefing and of the officers interviewed, only PO Paige acknowledged being present for the de-briefing. However, § 87(2)(b) said that at least two officers de-briefed him and PO Paige said that the entire anti-crime team was present during the de-briefing. Furthermore, PO Paige denied making any threats to arrest § 87(2)(b)'s family during the de-briefing and no officers heard him do so. Because no officers acknowledged making threats of arrest during the de-briefing, because multiple officers fit § 87(2)(b)'s description, and because no

other civilians were present to assist with identification, the investigation was unable to determine the subject of **Allegation H**. Therefore, the allegation was pleaded against an officer of the 113th Precinct (10 and 22 Board Review).

Allegations Not Pleaded

- It was alleged that officers pointed their guns at § 87(2)(b) and § 87(2)(b) upon entering the house and that officers broke a hole in a basement door and broke a hole in a second floor wall. However, entering a premise with guns drawn is standard procedure during the execution of a no-knock search warrant and none of the evidence suggested that the gun pointing was gratuitous or went beyond the initial entry. Additionally, the damage to the door was not gratuitous and consistent with the execution of a no-knock search warrant as all locked rooms need to be entered. The civilians and officers further testified that the hole in the wall was pre-existing. Therefore, the property damage allegation and the guns pointed allegation was subsumed under the entry and search allegation (04-06 Board Review).
- It was alleged that Sgt. Abrams placed § 87(2)(b)'s handcuff on backwards, eventually causing a minor laceration to his wrist, and PO Mangiapane placed § 87(2)(b)'s handcuff too high on her wrist, causing a bruise to her wrist. However, handcuffing all individuals inside a premise is standard procedure during the execution of a no-knock search warrant. Though they complained about the application of the handcuffs, their description of the officers' actions does not indicate any malicious manipulation of the handcuffs and only evinces the general discomfort and possible physical effects of metal handcuffs. Therefore, no allegation was pleaded (06 and 10 Board Review).
- It was alleged that an officer threatened to call ACS at the house and later at the stationhouse, and PO Paige acknowledged informing § 87(2)(b) that ACS would be called at the stationhouse. However, because it is standard procedure to call ACS when narcotics are found during the execution of a search warrant and because ACS was actually called in this case, no allegations were pleaded for the threats to call ACS (10 and 07 Board Review).

Allegation A –Abuse of Authority: Police Officer Joseph Paige entered and searched § 87(2)(b) in Queens.

Allegation E –Abuse of Authority: At § 87(2)(b) in Queens, Police Officer Kristyn Graziano searched § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) said that while he was at work, § 87(2)(b) called him and told him that officers were searching their house (04 Board Review).

§ 87(2)(b) said that she was walking into the living room when she heard a loud banging so she pulled back the curtain and observed officers pointing guns at the window. The officers continued to bang on the front door, which § 87(2)(b) opened. ESU officers including Det. Barry then entered the house with guns drawn and handcuffed § 87(2)(b). Once the house was secure, PO Graziano came into the house and instructed § 87(2)(b) to stand up so she could check her. PO Graziano then patted down § 87(2)(b)'s torso, emptied her shorts pockets by pulling them out, and reached under § 87(2)(b)'s shirt and patted her bra to ensure she was not hiding anything (05 Board Review).

§ 87(2)(b) said she was asleep in her bedroom when she woke up and observed PO Mangiapane and Det. Barry pointing guns at her. PO Mangiapane then handcuffed § 87(2)(b) and the officers left the bedroom. A short while later, PO Graziano came into § 87(2)(b)'s bedroom and searched inside her pajama pants pockets, inside her pants waistband, and inside her shirt. PO Graziano then reached under her shirt and felt her breasts over her bra to ensure that she was not hiding anything underneath (06 Board Review).

PO Paige acknowledged being the officer who requested the search warrant for this incident (07 Board).

PO Graziano acknowledged that during this incident she was assigned to search any females encountered in the house. PO Graziano remembered searching at least one female, but did not remember how many she searched or the details of any specific searches (08 Board Review).

None of the officers interviewed recalled observing PO Graziano searching any individuals.

Search Warrant § 87(2)(b), issued by Queens County Court, requested by PO Paige, and signed by the Honorable Judge § 87(2)(b) authorized officers to enter § 87(2)(b)'s § 87(2)(b) in Queens to search the entire premise, all containers within, and all occupants within for firearms, ammunition, shell casings, gun magazines, firearms accessories, other evidence of possession of illegal firearms, and evidence establishing ownership, presence, or status of residency at the warrant location (09 Board Review).

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Allegation B –Discourtesy: At § 87(2)(b) in Queens, an officer spoke discourteously to § 87(2)(b)

Allegation F –Abuse of Authority: At § 87(2)(b) in Queens, an officer threatened § 87(2)(b) with the arrest of § 87(2)(b) and § 87(2)(b)

Allegation H –Abuse of Authority: At the 113th Precinct stationhouse, an officer threatened § 87(2)(b) with the arrest of his relatives.

§ 87(2)(b) said that when PO Mangiapane and Det. Barry entered her bedroom, she asked where the twins were and one of them replied, “Shut the fuck up” (06 Board Review)

§ 87(2)(b) and § 87(2)(b) alleged that while they were handcuffed in the living room, a male officer told § 87(2)(b) in their presence, that if he lied about the guns and narcotics in the house, § 87(2)(b) and § 87(2)(b) could be arrested (05-06 Board Review).

§ 87(2)(b) alleged that, while being debriefed at the 113th Precinct stationhouse, a male officer told him, “If you’re not going to tell us anything, we can’t do nothing for you. We’re going to arrest your grandson and your two sons” (10 Board Review).

§ 87(2)(g)

Allegation C –Discourtesy: At § 87(2)(b) in Queens, Sergeant Donald Abrams spoke discourteously to § 87(2)(b)

Allegation D –Abuse of Authority: At § 87(2)(b) in Queens, Sergeant Donald Abrams damaged § 87(2)(b) s property.

§ 87(2)(b) said that Sgt. Abrams came down the basement stairs with Det. Longa behind him. As Sgt. Abrams came down the stairs, he yelled multiple times, “Let me see your hands! Let me see your hands!” § 87(2)(b) complied and put his hands up, but Sgt. Abrams allegedly yelled, “Don’t fucking move!” § 87(2)(b) asked Sgt. Abrams what happened, but Sgt. Abrams only responded by telling § 87(2)(b) to get on the ground multiple times. Sgt. Abrams then placed § 87(2)(b) facedown onto his bed and handcuffed him.

§ 87(2)(b) asked Sgt. Abrams again what happened and Sgt. Abrams allegedly replied, “I don’t fucking know!” § 87(2)(b) then sat on his bed and observed Sgt. Abrams knock a box off of a chair and kick over a small table, but did not see any damage (10 Board Review). In his original phone statement, § 87(2)(b) alleged that when he asked what happened, Sgt. Abrams told him, “ I don’t fucking know! Fuck you! Put your hands behind your back!”

§ 87(2)(b) also said he complained that his handcuffs hurt and Sgt. Abrams replied, “I don’t fucking care!” § 87(2)(b) further alleged that Sgt. Abrams and other ESU officers began kicking over everything in his apartment (11 Board Review).

§ 87(2)(b) and § 87(2)(b) said they found broken glass on the floor inside § 87(2)(b) s bedroom following the search (05-06 and 12 Board Review).

None of the other civilians interviewed were present when **Allegations C** and **D** allegedly took place.

§ 87(2)(b) s photos taken after the search warrant showed various items on the basement floor and appeared to show broken glass in two photos (23 Board Review).

Sgt. Abrams said, from the top of the basement stairs, he observed § 87(2)(b) and instructed, “Police! We’re doing a search warrant! Show me your hands!” § 87(2)(b) did not comply, but poked his head in and out of the stairway. Sgt. Abrams repeated his instructions multiple times and then went down the basement stairs with Det. Longa. Once down the stairs, Sgt. Abrams again instructed § 87(2)(b) to show his hands. § 87(2)(b) complied and Sgt. Abrams ordered him to turn around. § 87(2)(b) again complied and Sgt. Abrams grabbed him to place him in handcuffs. While being handcuffed, § 87(2)(b) tensed up and so Sgt. Abrams placed him facedown onto his bed and Sgt. Abrams said, “Just

relax. We're doing a search warrant." Sgt. Abrams did not recall saying, "Don't fucking move!" to § 87(2)(b) and denied saying, "I don't fucking know." Sgt. Abrams denied using any profanity toward § 87(2)(b) toward this incident. Sgt. Abrams, Det. Longa, and other ESU officers then searched the rest of the basement. The basement was tight and cluttered, so various items were inadvertently knocked onto the ground while Sgt. Abrams and the ESU officers moved around. Sgt. Abrams did not intentionally knock any items to the ground and did not know whether any items broke when they fell (13 Board Review).

Det. Longa generally corroborated Sgt. Abrams' statement, but did not remember any items being knocked to the ground (14 Board Review).

Det. Barry entered the basement after § 87(2)(b) was handcuffed and did not hear Sgt. Abrams use any profanity. Det. Barry described the basement as messy, but did not observe Sgt. Abrams knock any objects to the ground and did not remember observing any broken glass (15 Board Review).

PO Mangiapane did not recall any details of this incident (19 Board Review).

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§ 87(2)(b) said in his original phone statement that Sgt. Abrams and other officers kicked over everything in his apartment. In his CCRB interview, § 87(2)(b) said that only Sgt. Abrams kicked over a chair and a small table knocking items onto the floor, but he did not allege that any items broke. § 87(2)(b) and § 87(2)(b) said that they later found broken glass on the basement floor and § 87(2)(b) provided two photos that corroborated these observations. Sgt. Abrams acknowledged that he may have accidentally knocked items on the floor as he moved through the tight, cluttered area to finish clearing the basement, but denied intentionally doing so. § 87(2)(g)

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Allegation G –Abuse of Authority: At the 113th Precinct stationhouse, an officer threatened § 87(2)(b) with the arrest of his relatives.

§ 87(2)(b) said that he received a call from § 87(2)(b) while he was at work at McDonalds, who said that officers raided their house. § 87(2)(b) then put Det. Gray on the phone and he claimed that officers found a gun magazine and live ammunition. Det. Gray then allegedly said to § 87(2)(b) "If you're not here, we're going to have to take your

family into custody.” § 87(2)(b) ended the call and went to a different McDonalds to use their Wi-Fi. § 87(2)(b) then called § 87(2)(b) back on FaceTime. Det. Gray went on the phone again and told § 87(2)(b) that he should stay at work, because they did not need him, and the officers would be in touch. § 87(2)(b) did not mention Det. Gray’s threat of arrest in his original complaint (04 Board Review).

§ 87(2)(b) said that Det. Gray called § 87(2)(b) on speaker phone and said, “We’re at your house right now § 87(2)(b) and if you don’t tell me where the guns and the drugs are, we’re going to lock up your whole family.” § 87(2)(b) asked “What guns?” and Det. Gray replied, “Yea, the guns you have in your house.” § 87(2)(b) replied, “You know what detective, you’re doing too much. I’m coming home right now. You’re all going to take my family? I don’t have any guns.” § 87(2)(b) corroborated that when § 87(2)(b) called back on FaceTime, Det. Gray told him to stay at his job and that the officers would be in touch (12 Board Review).

§ 87(2)(b) did not corroborate that Det. Gray spoke to § 87(2)(b) over the phone, but said that § 87(2)(b) offered to bring § 87(2)(b) to the house and Det. Gray responded that they did not need him there and would be in touch with him (16 Board Review).

Det. Gray said that § 87(2)(b) called § 87(2)(b) to find out what was going on. § 87(2)(b) then handed Det. Gray her phone and he told § 87(2)(b) that they were conducting a search warrant, to stay at work, and that they would be in touch at some later point. Det. Gray never threatened to arrest § 87(2)(b) or his family. The officers had no intention of arresting § 87(2)(b) at the time of the call (17 Board Review).

Sgt. Milligan generally corroborated Det. Gray’s statement (18 Board Review).

No other officers or civilians interviewed observed this conversation take place.

§ 87(2)(g)

Squad: 3

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date